

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**ANGEL DAVID MORALES  
VALLELLANES,**  
Plaintiff,

v.

**JOHN POTTER, UNITED STATES  
POSTMASTER GENERAL, ET ALS.,**  
Defendants.

**CIVIL NO. 97-2459 (GAG)**

**DAMAGES BASED ON  
RETALIATION AND  
DISCRIMINATION; PROHIBITED  
PERSONNEL PRACTICES;  
UNFAIR LABOR PRACTICES;  
BREACH OF COLLECTIVE  
BARGAINING AGREEMENT**

**TRIAL BY JURY IS HEREBY  
REQUESTED**

**NOTICE OF APPEAL**

**COMES NOW**, plaintiff Angel David Morales-Vallellanes through his legal counsel and very respectfully inform this Honorable Court:

1. Notice is hereby given that Angel David Morales Vallellanes, plaintiff in the above mentioned case hereby appeal to the United States Court of Appeals for the First Circuit from the following orders entered in this action:

i) September 19, 2005 ORDER DENYING 247 MOTION to dismiss and/or Strike from the record for untimely defendants motion for summary judgment as to US Attorney General for the District of Puerto Rico filed by Angel David Morales-Vallellanes, Set Deadlines: THE COURT WILL CONSIDER SAID MOTION, AS IN ALL DUE FAIRNESS, PLAINTIFF WAS PREVIOUSLY GIVEN VARIOUS EXTENSIONS. Plaintiff shall oppose the same within 30 days, due 10/18/2005. Signed by Magistrate Judge Gustavo A. Gelpí on 9/19/05. (See docket number 248)

ii) October 3<sup>rd</sup>, 2005 ORDER denying 251 Motion to Compel as the same is filed way past the discovery deadline, hence is not timely. The

plaintiff has thirty (30) days to approve (sic) the summary judgment motion. Signed by Gustavo A. Gelpí on 10/3/05 (See docket 252)

- iii) October 6, 2005 ORDER correcting 252 Order on Motion to Compel to read as follows: ORDER DENYING 251 MOTION TO COMPEL AS THE SAME IS FILED WAY PAST THE DISCOVERY DEADLINE, HENCE IS NOT TIMELY. THE PLAINTIFF HAS THIRTY (30) DAYS TO OPPOSE THE SUMMARY JUDGMENT MOTION. Signed by Magistrate-Judge Gustavo A. Gelpí on 10/6/05. (See docket number 253).
- iv) October 11, 2005 Order denying 254 Motion to Vacate. Plaintiff did not move to compel discovery until the period for discovery had elapsed, and defendant filed his dispositive motion. Signed by Judge Gustavo A. Gelpí on 10/11/05. (See docket 257)
- v) October 11, 2005 Order denying 258 Motion to Vacate. Signed by Judge Gustavo A. Gelpí on 10/11/05. (See docket number 259)

**WHEREFORE**, it is respectfully notified that plaintiff hereby appeal to the United States Court of Appeals for the First Circuit the above mentioned orders.

**RESPECTFULLY SUBMITTED.**

**I HEREBY CERTIFY** that on October 14<sup>th</sup>, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: **Fidel A. Sevillano-Del Río, Esq.**, Assistant U.S. Attorney, Federico Degetau Federal Build., 150 Carlos Chardón Av., Hato Rey, Puerto Rico 00918.

S/MIGUEL E. MIRANDA-GUTIERREZ  
**MIGUEL E. MIRANDA-GUTIERREZ, ESQ.**  
ATTORNEY FOR PLAINTIFF  
PMB 132, 255 Ave. Ponce de León, Suite 75  
San Juan, Puerto Rico 00917-1919  
TEL: (787) 282-0022

FAX: (787) 751-0883